

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

UNKNOWN-UNNAME, Director of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director I of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director II of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Associate Director of Nebraska Department of Correctional Services, in his/her individual capacity; TECUMSEH STATE CORRECTIONAL INSTITUTION, UNKNOWN-UNNAME, Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Associate Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Librarian of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Nebraska State Penitentiary, in his/her individual capacity; NEBRASKA STATE PENITENTIARY, UNKNOWN-UNNAME, Associate Warden of Nebraska State Penitentiary, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Nebraska State Penitentiary, in his/her individual capacity; LIBRARIAN OF NEBRASKA STATE PENITENTIARY, in his/her individual capacity; OMAHA CORRECTIONAL CENTER, UNKNOWN-UNNAME, Warden of Omaha Correctional Center, in his/her

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ORDER

individual capacity; UNKNOWN-UNNAME, Associate Warden of Omaha Correctional Center, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Omaha Correctional Center, in his/her individual capacity; and UNKNOWN-UNNAME, Librarian of Omaha Correctional Center, in his/her individual capacity;

Defendants.

This matter comes before the Court on Plaintiff's, Marvel Jones's, motion for preliminary injunction. [Filing No. 60](#). Jones has sued various unidentified Nebraska prison officials regarding what he alleges are unconstitutional law library policies. [Filing No. 1](#). He now moves to enjoin Norfolk Regional Center, the facility at which is he presently civilly committed, from enforcing its policies regarding copying legal documents. [Filing No. 60](#). He argues the policies limit his access to the courts.

Norfolk Regional Center is not a defendant to this case. See [Filing No. 1](#). "[A] nonparty may be enjoined under Rule 65(d) only when its interests closely 'identify with' those of the defendant, when the nonparty and defendant stand in 'privity,' or when the defendant 'represents' or 'controls' the nonparty." [Thompson v. Freeman](#), 648 F.2d 1144, 1147 (8th Cir. 1981) (citing [Chase National Bank v. City of Norwalk](#), 291 U.S. 431, 436–37 (1934)). Here, there is no evidence and no allegation that Norfolk Regional Center is in privity with the unnamed prison officials such that would permit the Court to enjoin it as a nonparty. Furthermore, Jones's arguments in favor of the injunction are distinct from the issues he raises in his complaint, meaning he cannot show a likelihood of prevailing on the merits of his case (because his motion does not even address the merits of his case). See [Dataphase Sys., Inc. v. C L Sys., Inc.](#), 640 F.2d 109, 114 (8th Cir. 1981)

(requiring, inter alia, a showing of likelihood of success on the merits to support the granting of injunctive relief). Lastly, although Jones lodges complaints about Norfolk Regional Center's inefficient copying policies relating to legal documents, he has been able to make numerous filings in this case, demonstrating his continued access to the courts.

Accordingly,

IT IS ORDERED:

1. Plaintiff's motion for preliminary injunction, [Filing No. 60](#), is denied.

Dated this 25th day of September, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge